

Appln. No. 09/857,383
Amendment dated December 12, 2005
Reply to Office Action of October 11, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application is respectfully requested.

The October 11, 2005 Final Office Action and the Examiner's comments have been carefully considered. In response, remarks are set forth below in a sincere effort to place the present application in form for allowance.

ALLOWABLE SUBJECT MATTER

The Examiner's indication that claim 8 is allowed is acknowledged and appreciated.

CLAIM OBJECTIONS

The Examiner's indication that claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims is acknowledged. In response, claims 4 and 7 are not amended in view of the asserted allowability of claim 1 upon which claims 4 and 7 ultimately depend. Applicant reserves the right to place claims 4 and 7 in independent form at a later time.

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PRIOR ART REJECTIONS

In the Office Action claims 1, 3 and 9 are rejected under 35 USC 103 as being unpatentable over USP 6,175,921 (Rosen) in view of the USP 6,026,375 (Hall et al.). Claim 2 is rejected under 35 USC 103 as being unpatentable over Rosen and Hall et al., and further in view of U.S. Publication No. 2002/0004783 (Paltenghe et al.). Claims 5 and 6 are rejected under 35 USC 103 as being unpatentable over Rosen and Hall, and further in view of U.S. Publication No. 2003/0140007 (Kramer et al.).

In the Response to Arguments portion of the last Office Action (see item #2 on page 2 of the Office Action), the Examiner points out that Applicant argues in the last response that Rosen and Hall et al. fail to teach a remote customer agent and that Hall et al. do not disclose the negotiation process. In response, the Applicant contends that Rosen teaches a trusted agent which allows entities to transact remotely and that it is an object of Rosen's invention to create a system for open electronic commerce where both customers and merchants can securely transact remotely over electronic networks. With regard to the negotiation process, the Examiner contends that Hall et al. disclose such a process.

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In responding to Applicant's arguments that Rosen teaches a trusted agent which allows entities to transact remotely, the Examiner points to column 4, lines 25-32 of Rosen. Column 4, lines 24-32 of Rosen recite:

Conceptually, a trusted agent is a surrogate actor for an entity who wants to transact remotely (electronically) in a secure way. The trusted agents are under control of transaction protocols and behave in a way calculated to resolve the transaction to the satisfaction of both parties. In order to guarantee the behavior of a trusted agent, the protocols are physically protected. Thus neither party can modify the protocols to the disadvantage of the other party.

This portion of Rosen teaches that the trusted agent is generally a surrogate actor for an entity wishing to transact remotely. This may be true, but Rosen clearly does not state that the agent would be remote *from a customer station* (which it represents). This also applies to the object in col. 2, lines 10-14 of Rosen, which states

It is another object of the present invention to use trusted agents and money modules to create a system for open electronic commerce where both customers and merchants can securely transact remotely over electronic networks without prior knowledge of each other.

Further, the remaining written description in Rosen clearly supports this position (see, e.g., Figure 3 in which the customer trusted agent 120 resides in the customer transaction device 122).

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In the Office Action, the Examiner has not commented on Applicant's arguments set forth in the last response relating to agent parameters from a customer station managing the remote customer agent which Applicant contends is not disclosed, taught or suggested in Rosen. Moreover, the Examiner's arguments at page 3 of the Office Action also appear to include a misunderstanding. The Examiner equates the term "customer station" in the present independent claims with the "customer transaction device" and the "remote customer agent" with the "customer trusted agent" in Rosen (see page 3, lines 3-19 of the last Office Action). However, the Examiner has not pointed to a specific portion of Rosen where there is a specific disclosure in which these entities would be separate and where the customer transaction device would transfer agent parameters to the customer trusted agent (which is in fact taught to be in the same device). A further misunderstanding appears to be that the Examiner claims the claimed "payment server" is equivalent to the "money module" in Rosen. However, as shown in Figure 3 of Rosen, the money module 6 is part of the customer transaction device 122.

Even if column 4 of Rosen is considered to teach a remote agent, the customer trusted agent of Rosen is used for arranging payment and another entity (the BTA) is used for selecting the

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products (see Figure 12A and col. 17, lines 44-50 of Rosen). However, in the present claimed invention the remote customer agent is used for representing the customer station in the negotiation process and the payment process is performed by the transaction management means in the customer station. For this reason, inter alia, the customer trusted agent of Rosen does not correspond to the remote customer agent of the present claimed invention.

With regard Hall et al., the portions of this reference cited by the Examiner (column 4, lines 6-10) state that a personal agent acting on behalf of the customer may send an order to an order processing system (i.e., confirm purchase of selected products). This does not teach towards arranging in the remote customer agent to represent the customer station, under control of agent parameters from the customer station, the claimed negotiation process including selecting products *to be presented by the merchant server*. Further, as already pointed out in the last response (see page 6, lines 5-23 of the July 20, 2005 response), in the more detailed description of Hall et al.'s system it is taught that the personal assistant agent resides in a customer device.

Since the Examiner has not commented on Applicant's previous arguments, Applicant respectfully requests that the Examiner

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point out with particularity the portions of the cited references which disclose, teach or suggest the above-mentioned features (e.g., the claimed agent parameters between the customer station and the remote customer agent) which the Applicant contends are not disclosed in the cited references.

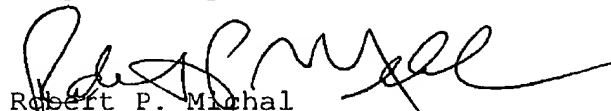
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Allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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